

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:22-cv-00045-MOC-WCM

W. ROBERT WARDELL

Plaintiff,

v.

AMERICAN DAIRY GOAT ASSOCIATION

Defendant.

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**ORDER**

This matter is before the Court on Plaintiff's "Motion to Stay Proceedings or, in the Alternative, Request for Extension of Time to Respond to Defendant American Dairy Goat Association's Motion for Judgment on the Pleadings" (the "Motion," Doc. 108).

Plaintiff W. Robert Wardell ("Plaintiff") filed his Complaint on April 29, 2021 in the United States District Court for the District of Colorado. Doc. 1.

On February 28, 2022, the case was transferred to this Court. Doc. 86.

On September 9, 2022, the American Dairy Goat Association ("Defendant") filed a Motion for Judgment on the Pleadings. Doc. 106. Plaintiff's deadline to respond was September 23, 2022. See Doc. 107.

Plaintiff's Motion, which is dated September 22, 2022, was docketed on September 26, 2022. Doc. 108. Therein, Plaintiff requests that this matter be

stayed or, alternatively, that Plaintiff's deadline to respond to Defendant's Motion for Judgment on the Pleadings be extended by thirty days.

In support of his request, Plaintiff references an upcoming Annual Meeting of Defendant's Board of Directors, which he contends could moot these proceedings, a scheduled surgery, and his view that Defendant has failed to provide documents Plaintiff has requested through written discovery. Id. at 2-3.<sup>1</sup>

Plaintiff's statement regarding alleged discovery deficiencies does not provide a sufficient basis for allowing the Motion. A motion for judgment on the pleadings, unlike a motion for summary judgment, is based on the parties' pleadings and not additional materials. Further, Plaintiff has not requested a conference with the undersigned regarding any discovery disputes, as required by the Pretrial Order and Case Management Plan. See Doc. 103.

To the extent Plaintiff's Motion is based on his surgery and the possibility that the Annual Meeting may impact this litigation significantly, the undersigned is persuaded that some extension of Plaintiff's deadline to respond to Defendant's Motion for Judgment on the Pleadings is appropriate.

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<sup>1</sup> The undersigned notes Plaintiff's representation that Defendant opposes the Motion. However, under the circumstances presented, the undersigned finds that the Motion may be granted in part as explained herein.

The undersigned is not convinced, however, that these proceedings should be stayed.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion (Doc. 108) is **GRANTED IN PART**, and Plaintiff's deadline to respond to the Motion for Judgment on the Pleadings (Doc. 106) is **EXTENDED** through and including October 24, 2022. In all other respects, the Motion is **DENIED**.

Signed: October 6, 2022

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

